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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,690	06/07/2001	Brian Collamore	US010390	8205

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/876,690

Applicant(s)

COLLAMORE ET AL.

Examiner

Mike Tomaszewski

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 1/25/07. Claims 1, 7 and 13 have been amended. Claims 5, 11, 17 and 22-23 are cancelled. Claims 1-4, 6-10, 12-16, and 18-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-10, 12-16, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Judd et al.* (US 2002/0087503; hereinafter *Judd*), Myers et al. (5,832,450; hereinafter Myers), in view of Rapaport et al. (6,192,112; hereinafter Rapaport) and in view of Official Notice.

(A) As per currently amended claim 1, *Judd* discloses a medical information management system, comprising:

- (1) an information acquisition device (*Judd*: par. [0065]; Fig. 2);
- (2) a computer coupled to the information acquisition device, the computer including logic for receiving information from the information acquisition device, for setting a reconsider flag to indicate that new information is available for informing a user of arrival of the new information a study to which the new information corresponds (*Judd*: par. [0067]; Figs. 2-3); and
- (3) a memory element associated with the computer, where the memory element stores the information and associates the information with the study (*Judd*: par. [0075], [0077] and [0078]).

Judd, however, fails to expressly disclose a medical information management system, comprising:

- (4) a computer coupled to the information acquisition device, for setting a flag if the study has been reviewed and for not setting a the reconsider flag if the study has not been reviewed even when the new information is available, for notifying the user if the user is currently reviewing the study, and for not notifying the user is the user is not currently reviewing the study.

Nevertheless, Examiner takes Official Notice that this technique is notoriously well known and obvious. For example, Microsoft Outlook[®] uses an assortment of

"flagging" techniques to indicate various status alerts pertaining to new information and associated tasks to perform. Moreover, these techniques were developed and used prior to Applicant's invention to allow a user to more effectively manage material to be read. Moreover, Examiner notes that Rapaport teaches the use of alerts (i.e., setting flags) if information has been updated (i.e., addition of new information) (Rapaport: col. 28, lines 55-col. 29, line 3). Furthermore, Myers teaches the use of notifications (i.e., setting flags) to alert users to the arrival of new information to previously reviewed or currently viewed records (Myers: col. 9, lines 63-67).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Rapaport, Myers and Official Notice with the teachings of *Judd* with the motivation of providing an effective means of notifying pertinent parties on the status of information.

(B) As per original claim 2, *Judd* discloses the medical information management system of claim 1, wherein the information includes medical image information (*Judd*: par. [0035]).

Examiner has noted insofar as claim 2 recites "at least one of ultrasound image information, medical image information, patient measurements, calculations, findings, comments, waveforms, chart records, audio recordings, Doppler audio, Doppler flow sounds or heart sounds, Doppler audio, and a medical study report," medical image information has been recited.

(C) As per previously presented claim 3, *Judd* fails to expressly disclose the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and the reconsider flag is used to indicate to said user of the medical information management system that the new information has been associated with the study.

Nevertheless, these features are old and well known in the art, as evidenced by *Rapaport*. In particular, *Rapaport* discloses the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and the reconsider flag is used to indicate to a user of the medical information management system that the new information has been associated with the study (*Rapaport*: col. 28, lines 40-col. 29, line 3) (Examiner also notes that *Judd* teaches the use of e-mail notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of *Rapaport* with the teachings of *Judd* with the motivation of providing effective and timely communication of medical information to pertinent parties; and to provide efficient medical information management (*Rapaport*: col. 1, lines 52-col. 2, line 5).

(D) As per previously presented claim 4, *Judd* discloses the medical information management system of claim 3, further comprising a client application, the client application further comprising a user interface configured to present to the user of the

medical information management system an indication that the new information has been associated with the study (*Judd*: par. [0023] – [0026]; [0067]; Fig. 1, 13).

(E) As per previously presented claim 6, *Judd* discloses the medical information management system of claim 4, where the client application informs the user of the arrival of further new information pertaining to a further study that the user is not reviewing (*Judd*: par. [0023] – [0026]; par. [0067]; Fig. 1, 13).

(F) Claims 7-8, 10 and 12 substantially repeat the same limitations of claims 1-4, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

(G) Claims 9, 13-16 and 18 substantially repeat the same limitations of claims 1-4, 7, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

(H) As per previously presented claim 19, *Judd* fails to expressly disclose the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study.

Nevertheless, these features are old and well known in the art, as evidenced by *Myers*. In particular, *Myers* discloses the medical information management system of

claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study (*Myers*: col. 2, lines 35-39).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Myers* with the combined teachings of *Judd* and Official Notice with the motivation of providing an efficient medical record system (*Myers*: col. 2, lines 35-39).

(l) Claims 20 and 21 substantially repeat the same limitations of claim 19 and therefore, are rejected for the same reasons given for claim 19 and incorporated herein.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 6-10, 12-16, and 18-21 have been considered but are moot in view of the new ground(s) of rejection or rely on or re-hash issues addressed in previous Office Actions and incorporated herein.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

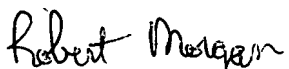
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MT




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